

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

PRABHAS MOKKAPAT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
GREENSCAPE HOMES, LLC,	)	Removed from Cook County Circuit Court
GREENSCAPE HOMES-KPN LLC,	)	Case No. 18 L 9016
GREENSCAPE REALTY LLC,	)	
KPN REAL ESTATE HOLDINGS LLC,	)	
GREENSCAPE VENTURES, LLC,	)	
MKJ HOLDINGS, LLC,	)	
GREENSCAPE VENTURES, L.L.C.	)	
KENNETH P. NEUMANN,	)	
KEITH R. NEUMANN, JENNIFER	)	
BROST, KATHLEEN WASHKO,	)	
ELIZABETH D. KOZAR, MICHAEL	)	
P. LUSK AND LUSK LAW LLC,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(a) – FEDERAL  
QUESTION**

To: Clerk of the Circuit Court  
of Cook County  
50 West Washington, Room 801  
Chicago, IL 60602

Paul Caghan  
Law Office of Paul Caghan LLC  
300 N. LaSalle Street, Suite 4925  
Chicago, IL 60654

Clerk's Office  
United States District Court  
Northern District of Illinois  
Everett McKinley Dirksen  
United States Courthouse  
219 S. Dearborn St.  
Chicago, IL 60604

Anthony Barone  
Barone Law Group, PC  
635 Butterfield Road, Suite 135  
Oakbrook Terrace, IL 60181

Defendants Greenscape Homes LLC, Greenscape Homes-KPN LLC, Greenscape Realty  
LLC, KPN Real Estate Holdings LLC, Greenscape Ventures LLC, MKJ Holding LLC, and Jennifer

Brost hereby remove Case No. 18 L 9016 from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and as grounds for their removal of this case, state as follow:

**STATEMENT OF THE CASE**

1. On August 21, 2018, Plaintiff filed a Complaint in the Circuit Court of Cook County, Illinois, styled Mokkaapat v. Greenscape Homes, LLC, et al Case No. 18 L 9016 (the “State Court Action”). A copy of the Complaint is attached as Exhibit “A”.

2. The Complaint purported to assert a single cause of action for fraud.

3. On November 9, 2018, Defendants Michael P. Lusk and Lusk Law, LLC filed a Motion to Dismiss. A copy of the Motion to Dismiss is attached as Exhibit “B”.

4. On November 13, 2018, Defendants Greenscape Homes LLC, Greenscape Homes-KPN LLC, Greenscape Realty LLC, KPN Real Estate Holdings LLC, Greenscape Ventures LLC, and Jennifer Brost filed a Motion to Dismiss. A copy of the Motion to Dismiss is attached as Exhibit “C”.

5. On November 19, 2018, Plaintiff was given leave to file an amended complaint. A copy of the Court Order is attached as Exhibit “D”.

6. On December 16, 2018, Plaintiff served Notice that an Amended Complaint had been filed with the Circuit Court of Cook County, Illinois. A copy of the Notice and Amended Complaint is attached as Exhibit “E”.

7. The Amended Complaint purports to assert eleven (11) causes of action: (1) fraud; (2) breach of contract; (3) Civil Rico – Violation of 18 U.S.C. 1962(a); (4) Civil Rico – Violation of 18 U.S.C. 1962(c); (5) Civil Rico – Violation of 18 U.S.C. 1962(d); (6) aiding and abetting fraud; (7) breach of fiduciary duty; (8) aiding and abetting breach of fiduciary duty; (9) civil conspiracy;

(10) violation of the Illinois Consumer Fraud and Deceptive Business Practices Act; and (11) unjust enrichment.

8. The Amended Complaint contains causes of action of which this Court has original jurisdiction under 28 U.S.C. § 1331 and is one which may be removed to this Court by defendants pursuant to the provisions of 28 U.S.C. § 1441 in that it arises under 18 U.S.C. § 1962 (“Civil RICO”).

9. The first date upon which defendants received notice that the Plaintiff was asserting causes of action under federal law was December 16, 2018.

10. All other defendants who have been properly served with Summons and Complaints consent to the removal of this action to the United States District Court for the Northern District of Illinois.

**ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED**

11. In accordance with 28 U.S.C. § 1446(a), a true and correct copy of all of the process, pleadings, orders and documents from the State Court Action which have been served upon Defendants Greenscape Homes LLC, Greenscape Homes-KPN LLC, Greenscape Realty LLC, KPN Real Estate Holdings LLC, Greenscape Ventures LLC, MKJ Holding LLC, and Jennifer Brost are attached as Group Exhibit “F” (other than the aforementioned Exhibits “A-E”).

12. This Notice of Removal is timely under 28 U.S.C. § 1446(b)(3) because it was filed within the 30-day period after Defendants received a copy of the Amended Complaint from which Defendants first ascertained that the case had become removable.

13. Venue properly lies within this District pursuant to 28 U.S.C. § 1446(a) because the State-Court Action is pending in the Circuit Court of Cook County, Illinois, which lies within this District.

14. Promptly after filing this Notice of Removal, Defendants Greenscape Homes LLC, Greenscape Homes-KPN LLC, Greenscape Realty LLC, KPN Real Estate Holdings LLC, Greenscape Ventures LLC, MKJ Holding LLC, and Jennifer Brost will give written notice thereof to all other parties to the State-Court Action, and will file a copy of the Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois, all in accordance with 28 U.S.C. § 1446(d).

### **CONCLUSION**

By this Notice of Removal, Defendants Greenscape Homes LLC, Greenscape Homes-KPN LLC, Greenscape Realty LLC, KPN Real Estate Holdings LLC, Greenscape Ventures LLC, MKJ Holding LLC, and Jennifer Brost do not waive any defenses or objections they may have to this action. Defendants Greenscape Homes LLC, Greenscape Homes-KPN LLC, Greenscape Realty LLC, KPN Real Estate Holdings LLC, Greenscape Ventures LLC, MKJ Holding LLC, and Jennifer Brost intend no admission of fact, law or liability by this Notice, and expressly reserve all defenses and/or motions.

Dated: January 11, 2019.

GREENSCAPE HOMES LLC, GREENSCAPE HOMES-KPN LLC, GREENSCAPE REALTY LLC, KPN REAL ESTATE HOLDINGS LLC, GREENSCAPE VENTURES LLC, MKJ HOLDING LLC, and JENNIFER BROST

By: /s/ Michael A. O'Brien  
One of their Attorneys

O'Brien Law Offices, P.C.  
Michael A. O'Brien/6216625  
Leslie G. Bleifuss/6224495  
124A South County Farm Road  
Wheaton, IL 60187  
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**CERTIFICATE OF SERVICE**

I, Michael A. O'Brien, an attorney representing the Defendants Greenscape Homes LLC, Greenscape Homes-KPN LLC, Greenscape Realty LLC, KPN Real Estate Holdings LLC, Greenscape Ventures LLC, MKJ Holding LLC, and Jennifer Brost hereby certify that on January 11, 2019, I mailed via first-class United States mail, postage prepaid, the foregoing Notice of Removal to the following non-ECF participants by placing that document in a sealed envelope and depositing said envelope and its contents in the United States mail at 124A South County Farm Road, Wheaton, Illinois as required by 28 U.S.C. § 1446(d):

Paul Caghan  
Law Office of Paul Caghan LLC  
300 N. LaSalle Street, Suite 492  
Chicago, IL 60654

Anthony Barone  
Barone Law Group, PC  
635 Butterfield Road, Suite 130  
Oakbrook Terrace, IL 60181

I also hereby certify that I served the foregoing Notice of Removal via email on January 11, 2019, by emailing same to [caghan@ameritech.net](mailto:caghan@ameritech.net) and [abarone@baronelawgroup.com](mailto:abarone@baronelawgroup.com) on or before 5:00 p.m.

I also hereby certify that I caused (or will cause) the Notice of Removal (accompanied by an appropriate Notice of Filing) to be filed on January 14, 2019, with the Clerk of the Circuit Court of Cook County, Illinois, as required by 28 U.S.C. § 1446(d).

By: /s/ Michael A. O'Brien  
Michael A. O'Brien, attorney